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January 19, 1999

Magalie Roman Salas Secretary Federal Communications Commission The Portals - TW-A325 445 Twelfth Street, S.W. Washington, DC 20554 PECENTED

JAN 1 9 1999

VENERAL CHARLESCENCE COMMUNICA

Re:

Ex Parte

Advanced Services Rulemaking

CC Docket No. 98-147

Dear Ms. Salas:

Pursuant to Sections 1.1206(b)(1) and (2) of the Commission's rules, 47 C.F.R. Sections 1.1206(b)(1) and (2), I am providing this notice of an oral and written *ex parte* presentation in the above-captioned matter.

On January 15, 1999, myself, Kay Burin, Vice President/Data Services, KMC Telecom, Inc., and Jonathan Draluck of this firm met with Paul Gallant, Office of Commissioner Gloria Tristani and presented views concerning issues in the above-captioned proceeding. We presented views described in the attached outline of the presentation which was provided to Mr. Gallant.

Two copies of this letter are enclosed.

Sincerely,

Patrick Donovan

cc: Paul Gallant

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# Expediting Deployment of Advanced Services

Kay Burin
Vice President-Data Services
KMC Telecom

January 15, 1999

KBURIN@KMCTELECOM.COM

#### **Topics of Discussion**

- KMC Strategies
- Collocation and Unbundled Network Elements
- InterLATA Relief
- Separate RBOC Subsidiary

#### **KMC** Telecom

- KMC is authorized to provide competitive services in 18 states and Puerto Rico
- Through its fiber optic-based switching systems deployed to date, KMC provides services in Tier III markets in Huntsville, Melbourne, Pensacola, Sarasota, Tallahassee, Savannah, Augusta, Topeka, Baton Rouge, Shreveport, Greensboro, Winston-Salem, Corpus Christi, Roanoke and Madison
- KMC is planning to serve surrounding Tier IV markets
- KMC is planning to extend its service into the residential market

#### **KMC Offers Advanced Services**

- ClearStar™ -- Centrex-based voice data
   applications/ISDN
- Facilitating Dynamic Bandwidth through HDSL
- Port Wholesaling
  - ◆ Remote Access and SS7 Gateways
- Wideband Access Management, including integrated 5ESS Platforms

## Collocation and Unbundled Network Elements -- Enforcing and Strengthening Obligations

- KMC applauds reports that the Commission will adopt strengthened collocation and unbundling requirements
- Collocation and UNEs are required for CLEC provisioning of advanced services
- Nondiscriminatory access to collocation space and network elements will subject RBOCs to competitive pressures, thereby encouraging deployment of advanced services

#### InterLATA Relief

-- Legal Requirements

- Statutory mandate of Section 271 is clear
- Under the current regime, RBOCs themselves have control over InterLATA Relief
- Section 706 does not overturn compliance with the 14-point competitive checklist

## InterLATA Relief -- Policy Considerations

- No Commission action is necessary to promote advanced services in rural areas
  - ◆ Market demand will attract all providers
- RBOCs do not (or should not) have a unique advantage to offer advanced services
- RBOCs have recently announced major ADSL initiatives: SBC, Bell Atlantic/AOL
- CLECs can and will offer such services

## InterLATA Relief -- Policy Considerations (continued)

- Commission should not abandon carrot and stick approach of Act
- No better incentive to offer advanced services than mechanisms already in place:
  - ◆ Vigorous enforcement of Section 271and Competition itself
- No current need to protect rural end users, who enjoy the same access to the Internet as urban customers

KMC Telecom

## Separate RBOC Affiliates Legal Definition

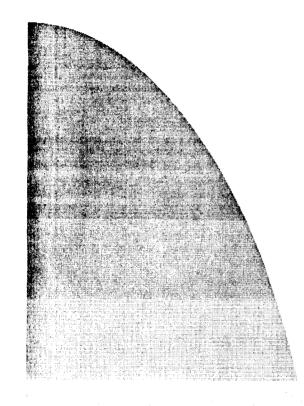
- Section 251(h) bars ILECs from sidestepping their market-opening obligations
- Section 272 obligations do not make an affiliate a non-ILEC for these purposes
- Proposed separations are inadequate
  - Outside ownership
  - ◆ Joint Marketing
  - UNEs, Collocation and CPNI on same terms and conditions

#### Separation Requirements

- Additional safeguards are critical
  - ◆ transfer of facilities
  - ◆ resale obligations
  - ◆ spectrum sharing
  - ◆ extended link

### Separate RBOC Affiliates -- Policy Considerations

- Network bifurcation could result in effective deregulation of all new services
- Separation of data affiliates will eliminate incentives to maintain and improve public switched network



#### Conclusion

- FCC should abandon the separate affiliate initiative
- FCC should not provide interLATA relief absent Section 271 compliance